

The WASHINGTON

— LAW FIRM, PLLC —

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July 2, 2021

Via Certified Mail, E-Mail, & Facsimile:

Facsimile: 662-429-9099

7019 0140 0001 1506 0702

7019 0140 0001 1506 0849

7019 0140 0001 1506 0856

7019 0140 0001 1506 0719

Desoto County Chancery Court Clerk
Misty Heffner
P. O. Box 217
2535 Highway 51 S
Hernando, MS 38632
662-469-8005

Hernando City Clerk
Katie Harbin
475 W Commerce Street
Hernando, MS 38632
662-429-9092
Facsimile: 662-429-9099
E-Mail: kharbin@cityofhernando.org

Officer Lynn Brown, #7702
Hernando Police Department, K-9 Unit
475 West Commerce St
Hernando, MS 38632
662-429-9096

Officer Hunter Solomon, #21690
Hernando Police Department
475 West Commerce St
Hernando, MS 38632
662-429-9096



Justice... is our signature. Prepared to Fight!

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NOTICE OF CLAIM PURSUANT TO MISSISSIPPI TORT CLAIMS ACT (MTCA)

Dear Hernando Police Department:

Please be advised that we represent Mr. Adrian D. Hoyle, a resident of Memphis, TN, who was attacked by officers within Hernando city limits. Mississippi Code Annotated § 11-46-11 requires that we send the following Notice of Claim that must comply with the following:

- I. **Must Be in Writing:** We assert that this Notice complies with the above-mentioned statute as a written communication of Mr. Hoyle's Notice of Claim pursuant MTCA.
- II. **Sent Via Certified Mail:** Pursuant to Miss. Code Ann. § 11-46-11, we are required to first notify you by registered or certified mail of our intention to file suit before filing a civil lawsuit in hopes of resolving the case. The above-certified mail identification number confirms that you have received this document via certified United States Mail.
- III. **Contain a short and plain statement of the facts upon which the claim is based, including the circumstances which brought about the injury:** The following event showcases the actions of the Hernando Police Department and the City of Hernando, MS, which endangered the life of Mr. Hoyle, an unarmed, non-dangerous individual which resulted in his injuries while in the custody of the Hernando Police Department within Hernando, Mississippi.
 1. On or about September 2, 2020, Officer Lynn Brown of the Hernando Police Department performed an inner city chase of Mr. Hoyle for minor traffic violations.
 2. After several minutes of pursuit, Officer Brown engaged in a vehicle maneuver that caused Mr. Hoyle's vehicle to come to a stop in a ditch in Hernando, MS.
 3. As Mr. Hoyle exited the vehicle, Mr. Hoyle raised his hands above his head as commanded. He was unarmed and presented no danger.
 4. Despite his peaceful surrender, Officer Lynn Brown ordered K-9 Officer Groot to attack Mr. Hoyle without warning.
 5. K-9 Officer Groot bit through Mr. Hoyle's flesh while his hands were extended in the air.
 6. Officer Groot continued to bite and gnaw at Mr. Hoyle's leg as Officer Brown and another Hernando Police officer approached Mr. Hoyle and began a severe punching attack to his face, head, and body.
 7. Hernando Officers continued punching Mr. Hoyle while other officers assisted the attack by handcuffing Hoyle's hands behind his back.

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8. Despite Mr. Hoyle being restrained in handcuffs with his hands behind his back, Officer Lynn Brown allowed K-9 Officer Groot to continue its vicious attack, resulting in deep, severe, and permanent wounds of the flesh.
 9. While Mr. Hoyle laid defenseless in hand restraints, Officer Brown then choked Mr. Hoyle, stood on his chest, began stomping his chest and kicking him in the face.
 10. Eventually, Officer Brown restrained the K9 officer from Mr. Hoyle's flesh, but he had already sustained severe injuries to his leg, contusions to his head, and emotional and mental distress.
 11. Hernando officers used excessive, unreasonable, and unjustified force. More egregiously, the surrounding officers failed to intervene to stop the unlawful officer's attack; therefore, they violated Mr. Hoyle's Fourth and Fourteenth Amendment right to be free from excessive force.
 12. Their negligence resulted in injury to Mr. Hoyle's leg and head, which caused permanent scarring and injuries.
 13. Further, the City of Hernando adopted a custom and policy to permit, encourage, and ratify officers' use of unjustifiable force by employing officers that it knew or should have known routinely exercise misconduct that caused the violation of Mr. Hoyle's constitutional rights.
 14. The City's hiring policies equate to deliberate indifference that caused Mr. Hoyle's deprivation of rights.
- IV. **The Time and Place of the Injury:** The tortious acts occurred on or about September 2, 2020, in Hernando, Mississippi.
- V. **The extent of the injury:** As a result of the Hernando Police Department's actions and/or inactions, Mr. Hoyle suffered lacerations on his right lower ankle and calf, deep scarring from puncture wounds to his leg tissue, nerve damage, contusions to his leg, and is in constant pain around his leg area.

Additionally, as a proximate result of his injuries, Mr. Hoyle experienced and will continue to suffer severe emotional distress. Due to his experience with the Hernando Police Department and the incident, he has expressed fear of law enforcement. Also, due to the extent of his injuries, Mr. Hoyle was unable to walk normally or put weight on the injured leg for approximately three (3) months.

Furthermore, the described injuries have impacted Mr. Hoyle's physical appearance leading to further psychological and emotional stress. Mr. Hoyle will also endure future pain and suffering and medical expenses as a direct and proximate cause of said injuries. His medical

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bills to date are still being collected.

- VI. **The names of all persons known to be involved:** Mr. Hoyle suffered both physical, mental, and psychological injuries as the proximate result of the negligent actions of the Hernando Police Department, the City of Hernando, Mississippi, K9 Officer Groot, Officer Lynn Brown, Officer Hunter Solomon, who controlled K9 Officer Groot, and all unknown officers present during the attack for failure to protect Mr. Hoyle against known and real dangers.
- VII. **The amount of money damages sought:** This letter will serve to document and to advise that Mr. Hoyle makes a claim and settlement demand against the above-named parties for \$2,500,000.00. Plaintiff also seeks Punitive Damages in the amount of \$ 7,500,000.00.
- VIII. **Address of Mr. Hoyle at the time of the injury:** Mr. Hoyle lived at [REDACTED] Memphis, TN 38111-7916.

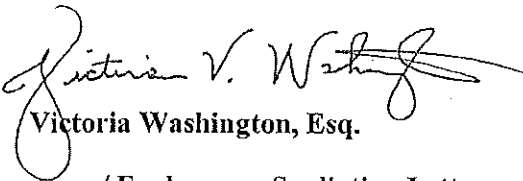
Please accept this letter as your Notice of this claim. Please take action according to the law to pay this claim.

This letter serves to document and to advise that if you do not immediately settle this claim, we will file suit demanding all damages allowed by Mississippi and federal laws. This letter will further serve to document and to advise you that if you choose to deny this claim or if you do not intend on immediately settling this claim, according to Miss. Code Ann. Sec. 11-46-11, that you please notify me by letter of your "Notice of Denial of Claim."

Your consideration of this letter is appreciated. I look forward to your reply.

Respectfully, I-Remain,

THE WASHINGTON LAW FIRM, PLLC


Victoria Washington, Esq.

w/ Enclosures: Spoliation Letter